Minute No. 43
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

Item No. 6 **Closing – Public Lane between Rues Darveau and Hébert, West of Avenue Taché for Incorporation into DASZ 34/2016 (St. Boniface Ward)**
File DAC 13/2016 [c/r DASZ 34/2016 & DAV 135803/2016D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee and adopted the following:

1. Subject to Recommendation 2, that the proposed lane closing as shown on Misc. Plan No. 15078 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 15078, subject to:

   A. The approval of the conveyance of the land by Council or its delegated authority, and

   B. The applicant entering into a Purchase and Sales Agreement with the City including a requirement that the applicant fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

3. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

The Executive Policy Committee received submissions with respect to the matter from the following:

- Real Rioux submitted plans (4 pages)
- Leo Pelland submitted Exhibits "A" to "E" inclusive.

STANDING COMMITTEE RECOMMENDATION:

On November 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2016, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

On October 3, 2016, the Riel Community Committee concluded public representations and adjourned the public hearing to its meeting on October 19, 2016, at 5:00 p.m.in the Council Building at 510 Main Street.

On September 12, 2016, the Riel Community Committee adjourned the public hearing to its meeting on October 3, 2016 at 5:00 p.m. in the Council Building at 510 Main Street, and requested the applicant to hold a consultation with members of the St. Boniface Residents' Association and the Winnipeg Public Service.

PUBLIC HEARING SUMMARY

File:	DAC 13/2016
Before:	Riel Community Committee Councillor Mayes, Chairperson Councillor Allard
Public Hearing:	October 19, 2016 October 3, 2016 September 12, 2016 Council Building, 510 Main Street
Applicant:	Christine Wilson-MacLeod (Sunstone Resort Communities)
Premises Affected:	Proposed Closing of the Public Lane between Rues Darveau and Hébert, West of Avenue Taché for Incorporation into DASZ 34/2016
Exhibits Filed:	1. Report from the Real Property Officer dated August 22, 2016 2. Inspection Report 3. Communication dated September 9, 2016, submitted at the public hearing by Leo Pelland 4. Presentation submitted at the public hearing by Sheila Holland and Constance Menzies 5. Communication dated September 12, 2016, submitted at the public hearing on behalf of Stephane Dorge 6. Communication dated September 12, 2016, submitted at the public hearing by Walter Kleinschmit 7. Communication dated September 12, 2016, from Real Rioux in opposition to the application. 8. Communication dated September 30, 2016, from John Stockwell in opposition to the application 9. Communication dated September 30, 2016, from Constance Menzies in opposition to the application 10. Communication dated September 30, 2016, from Heather Sorko in opposition to the application 11. Communication dated October 1, 2016, from Peter Panufnik in opposition to the application 12. Communication dated October 1, 2016, from Brenda Hildebrand in opposition to the application

13. Communication dated October 1, 2016, from Sheila Holland in opposition to the application
14. Communication dated October 2, 2016, from Margie Harris in opposition to the application
15. Communication dated October 3, 2016, from Brad Senkiw in opposition to the application
16. Communication dated October 3, 2016, from Kanwal Saran in opposition to the application
17. Communication and presentation dated October 3, 2016, from Meghan Robert in opposition to the application
18. Communication dated October 3, 2016, from Frederick and Denise Keep in opposition to the application
19. Communication dated October 3, 2016, from Paul Lussier in opposition to the application
20. Communication dated September 30, 2016, submitted at the public hearing by Jason Coreau and Christine Wilson MacLeod
21. Communication dated September 12, 2016, submitted at the public hearing by Walter Kleinschmit
22. Communication submitted at the public hearing by Jason Coreau
23. Communication dated November 8, 2016 submitted at the Standing Policy Committee on Property and Development meeting dated November 8, 2016 by Réal Rioux in opposition to the application

REPRESENTATIONS:

In Support:
Bill Coady
Jason Coreau
Ray MacNutt
Christine Wilson-MacLeod

In Opposition:
Walter Kleinschmit
Leo JR Pelland
Real Rioux
Ben Starkey
Peter Panufnik
Christopher Nikkel
Don Sawatzky
Sheila Holland
Constance Menzies
Josée Lemoine
Margie Harris
Gavin Jag
Annelie Reimer
Mireille Lamontagne
David Lesage
Louise R. Potter
Gil Grenier
Girard Pelland
Dr. Pat O'Leary
Paul Lussier
Karl Brosch
Susan Brosch
Brenda Hildebrand
John Stockwell
Claudette Toupin
Jennifer Janzen
Tom Scott
Richard Baril
Ray MacNutt
Daniel Simard
Adam Janzen
Asha Janzen
Stephane Dorge
Malinda Lee

Brad Senkiw
Heather Sorkow
Kanwal Saran
Meghan Robert
Frederick Keep
Denise Keep
For Information:
Pat Wat
Scott Chang
Adam Janzen
Jeremy Frost
Ravi Joshi

For the City:
G. Jasper, Land Development Administrator, Planning, Property and Development Department
B. Buyachok, Real Property Officer, Planning, Property and Development Department
R. Mahé, Planner, Planning, Property and Development Department
E. Finnigan, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 13/2016

ADMINISTRATIVE REPORT

Title: **PROPOSED CLOSING OF THE PUBLIC LANE BETWEEN RUES DARVEAU AND HÉBERT, WEST OF AVENUE TACHÉ FOR INCORPORATION INTO DASZ 34/2016 – FILE DAC 13/2016**

Critical Path: **RIEL COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT – EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M. Pittet	J. Kiernan	N/A	N/A

RECOMMENDATIONS

1. Subject to Recommendation 2, that the proposed lane closing as shown on Misc. Plan No. 15078 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the lane closing in accordance with Misc. Plan No. 15078, subject to:

   A. The approval of the conveyance of the land by Council or its delegated authority, and

   B. The applicant entering into a Purchase and Sales Agreement with the City including a requirement that the applicant fulfill the administrative conditions of approval outlined in Appendix "A" of this report.

3. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON FOR THE REPORT

All street and lane openings and closings require Council approval.

As per Section 3.1 (i) of the City Organization By-law, only Council can declare City-owned property as surplus.

EXECUTIVE SUMMARY

Property adjoining the subject public lane is owned by the City of Winnipeg and is in the process of being sold to Sunstone Resort Communities. The subject closing is to be incorporated into the redevelopment of this land as part of subdivision and rezoning application DASZ 34/2016. In order for this to occur, the lane must be legally closed and declared surplus to the City's needs.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the lane closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

The City of Winnipeg is the owner of all of the property adjoining the subject lane closing contained within the boundary of subdivision and rezoning application DASZ 34/2016 as shown on the attached copy of Misc. Plan No. 15078.

On March 10, 2015, the Standing Policy Committee on Property and Development, Heritage and Downtown Development approved the sale of this land to Sunstone Resort Communities. The Real Estate Division is presently finalizing the terms and conditions of the Purchase and Sales Agreement.

Discussion

The Planning, Property and Development Department has received a request from Sunstone Resort Communities to close and purchase the public lane so identified on the attached copy of Misc. Plan No. 15078 for incorporation into the subdivision and rezoning of the adjoining property concurrently being processed under subdivision and rezoning application DASZ 34/2016. The subdivision is to accommodate a multi-family condominium residence and mixed use commercial development.

The subject lane was opened by Plan No. 10 and registered in the Winnipeg Land Titles Office (Selkirk Division) in September of 1883. The lane consists of open field and exists in a legal context only. It appears to serve no public transportation purpose.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation:

Manitoba Hydro, Centra Gas, MTS Inc., Shaw Cablesystems, Fiber, TeraSpan and Bell Canada.

Rogers Communications, Imperial Oil, Norscan and Telus did not respond to the request for comment on this application.

OURWINNIPEG POLICY ALIGNMENT

Section 235 of *The City of Winnipeg Charter* states that *"…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."*

The subject closing does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns with their overall vision and key directions.

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: August 22, 2016
File No. DAC 13/2016

Attachments

Appendix "A" – Administrative Approval/Comments

Appendix "B" – Miscellaneous Plan and Aerial View

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V:\development applications\daoc\dev application2016\dac13_2016\final_report\dac13.16rpt

APPENDIX "A"

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the lane closing.

Administrative Comments

Geomatics Branch

The developer will be responsible for the preparation and registration in the Winnipeg Land Titles Office of all necessary documents required to facilitate the lane closing and its transfer.

Easements

Manitoba Hydro and Centra Gas Manitoba Inc. have identified services within the closing area and will require easements for these existing facilities. No permanent structures will be allowed within the easement area.

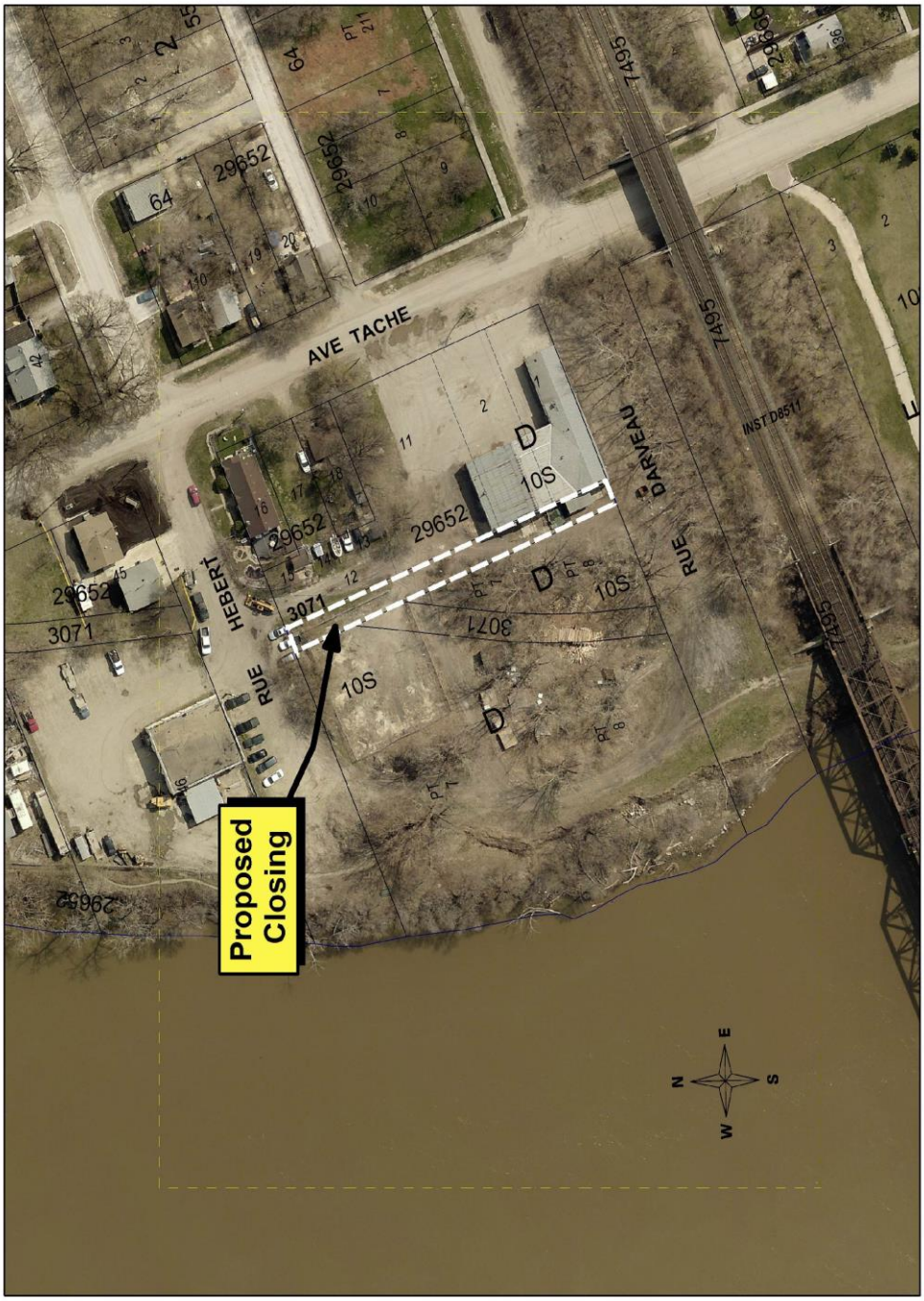
Any removal or relocation of existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The public lane must be legally closed before it may be sold and incorporated into the subdivision of the adjoining property. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

APPENDIX "B"

Aerial View of Subject Closing



Miscellaneous Plan

